

SENATE BILL 854

A2

11r2651

By: **Senator Ferguson**

Introduced and read first time: February 14, 2011

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Board of Liquor License Commissioners – Issuance of**
3 **Licenses**

4 FOR the purpose of eliminating a prohibition against sales for off-premises
5 consumption for certain restaurants to obtain a Class B beer, wine and liquor
6 license in a certain location in Baltimore City; eliminating a prohibition against
7 the Board of Liquor License Commissioners for Baltimore City issuing an
8 alcoholic beverages license or transferring a license into certain locations in
9 Baltimore City; and generally relating to the issuance of alcoholic beverages
10 licenses in Baltimore City.

11 BY repealing and reenacting, with amendments,
12 Article 2B – Alcoholic Beverages
13 Section 9–204.1(f)
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2010 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article 2B – Alcoholic Beverages**

19 9–204.1.

20 (f) (1) This subsection applies only in the 46th alcoholic beverages
21 district.

22 (2) Notwithstanding § 6–201(d)(1)(vii) of this article, the Board may
23 issue a Class B beer, wine and liquor license:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) For a restaurant in ward 26, precinct 8, if the restaurant has
2 a minimum capital investment of \$700,000, a seating capacity exceeding 150 persons,
3 and average daily receipts from the sale of food that are at least 65% of the total daily
4 receipts of the restaurant;

5 (ii) For a restaurant in ward 4, precinct 1 or ward 22, precinct 1,
6 if the restaurant has a minimum capital investment of \$700,000, a seating capacity
7 that exceeds 75 persons, average daily receipts for the sale of food that are at least
8 65% of the total daily receipts of the restaurant, and no sales for off-premises
9 consumption;

10 (iii) For not more than three restaurants in a residential planned
11 unit development for Silo Point as approved by the Mayor and City Council of
12 Baltimore City in Ordinance 04-697 on June 23, 2004, if the restaurant has a
13 minimum capital investment of \$700,000, a seating capacity that exceeds 75 persons,
14 AND average daily receipts from the sale of food that are at least 65% of the total daily
15 receipts of the restaurant[, and no sales for off-premises consumption]; and

16 (iv) For not more than three restaurants in a business planned
17 unit development in ward 24, precinct 5 of the 46th alcoholic beverages district, which
18 at all times shall be coterminous with the 46th Legislative District in the Legislative
19 Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21,
20 2002, if each restaurant has a minimum capital investment of \$700,000, a seating
21 capacity that exceeds 75 persons but is not more than 150 persons, average daily
22 receipts from the sale of food that are at least 65% of the total daily receipts of the
23 restaurant, and no sales for off-premises consumption.

24 (3) The Board may not issue an alcoholic beverages license or transfer
25 a license into ward 1, precincts 4 and 5 or ward 23, precinct 1[, or ward 24, precinct 5].

26 (4) Notwithstanding any other provision of law, a new Class B beer,
27 wine and liquor license may not be transferred to another location or downgraded
28 within the 46th alcoholic beverages district.

29 (5) A new Class B licensed restaurant must have average daily
30 receipts from the sale of food that are at least 51% of the total daily receipts of the
31 restaurant.

32 (6) (i) Except as provided in subparagraph (ii) of this paragraph,
33 the Board may not transfer or issue a license if the transfer or issuance would result
34 in:

35 1. The licensed premises being located within 300 feet of
36 the nearest point of a church or a school; or

37 2. The licensed premises being located closer to the
38 nearest point of a church or a school than the licensed premises was on June 1, 2004.

- 1 (ii) This paragraph does not apply to a licensed restaurant in:
- 2 1. Ward 4, precinct 1;
- 3 2. Ward 22, precinct 1; or
- 4 3. A residential planned unit development for Silo Point
5 as approved by the Mayor and City Council of Baltimore City in Ordinance 04-697 on
6 June 23, 2004.

7 (7) (i) Except as provided in subparagraph (ii) of this paragraph, a
8 license for the sale of alcoholic beverages may not be transferred into, or transferred to
9 a different location within, the following areas:

- 10 1. Ward 1, precincts 2 and 3;
- 11 2. Ward 2 in its entirety;
- 12 3. Ward 3, precinct 3; and
- 13 4. Ward 26, precincts 3 and 10.

14 (ii) This paragraph does not apply to an application for a new
15 license or a transfer from within the areas described in subparagraph (i) of this
16 paragraph if the new license or transfer is for:

- 17 1. A hotel;
- 18 2. An establishment located in a planned unit
19 development if the application for the planned unit development was filed or approved
20 before December 31, 1995;
- 21 3. An establishment located in an area governed by the
22 Inner Harbor East Urban Renewal Plan; or
- 23 4. An establishment that has a seating capacity of fewer
24 than 150 persons or in which the average daily receipts from the sale of food are at
25 least 51% of the total daily receipts of the establishment.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 July 1, 2011.